

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2771 - SB 2787

February 19, 2022

SUMMARY OF BILL: Requires law enforcement officers to use only appropriately marked law enforcement vehicles to make traffic stops.

FISCAL IMPACT:

**Increase State Expenditures - \$676,300/FY22-23
\$676,300/FY23-24**

**Increase Local Expenditures – Exceeds \$756,300/FY22-23*
Exceeds \$756,300/FY23-24***

Assumptions:

- Per the proposed legislation, “appropriately marked law enforcement vehicle” means a vehicle that bears the insignias, stripes, decals, labels, seals, symbols, or other pictorial signs or lettering indicating its identity as a law enforcement vehicle used by a particular law enforcement agency.
- Based on information provided by the Tennessee Sheriff’s Association (TSA), making traffic stops in unmarked vehicles is a common and widespread practice. The proposed legislation would present local law enforcement agencies with a choice between eliminating a common practice, leaving their fleets unchanged, but significantly reducing their capacity to respond to traffic violations in real time, or incurring a significant expense to appropriately mark currently unmarked vehicles so that they can still be used to conduct traffic stops.
- It is not known how many law enforcement vehicles are in operation in agencies across the state, nor how many are unmarked.
- It is also not known how many agencies would choose to mark currently unmarked vehicles, or how many they may choose to mark.
- According to TSA, the cost to appropriately mark a vehicle is estimated to be \$550. The number of unmarked vehicles in operation in local sheriff’s agencies across the state is estimated to be at least 3,500.
- It is assumed that local sheriffs will elect to mark at least half of their unmarked vehicles in order to maintain the ability to adequately respond to traffic violations in real time.
- Therefore, the increase in expenditures to local sheriff’s agencies to mark unmarked vehicles is estimated to exceed \$962,500 [(3,500 vehicles x 50%) x \$550].

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- The Tennessee Association of Chiefs of Police did not respond to a request for information as of the date of this analysis. As a result, it is unknown how the various chiefs of police might respond to this legislation, how many unmarked cars are currently in operation in these forces, or how much it costs to appropriately mark their vehicles.
- It is assumed that each vehicle will cost at least \$550 to mark, and that local police chiefs would elect to mark at least 1,000 vehicles.
- Therefore, the increase in expenditures to local police departments to mark unmarked vehicles is estimated to exceed \$550,000 (1,000 vehicles x \$550).
- The total increase in expenditures to local law enforcement that includes both the sheriffs and police departments is estimated to exceed \$1,512,500 (\$962,500 sheriffs + \$550,000 police)
- Due to various factors that may affect implementation schedules, it is assumed the impacts will be realized over two fiscal years. Therefore, a one-time increase in expenditures to local law enforcement agencies estimated to exceed \$756,250 (\$1,512,500 x 50%) in each FY22-23 and FY23-24.
- Based on information provided by the Department of Safety (DOS) and the Tennessee Highway Patrol (THP), the THP currently has 320 unmarked vehicles in its fleet. Were the legislation to pass, the THP would elect to mark all 320 vehicles.
- The estimated cost to appropriately mark a THP vehicle is \$4,227.
- Therefore, the increase in expenditures to THP is estimated to be \$1,352,640 (320 vehicles x \$4,227).
- It is assumed this impact would be realized over two fiscal years. Therefore, a one-time increase in expenditures to DOS estimated to be \$676,320 (\$1,352,640 x 50%) in each FY22-23 and FY23-24.
- According to the Tennessee Bureau of Investigation (TBI), the proposed legislation will have no fiscal impact on the TBI.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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